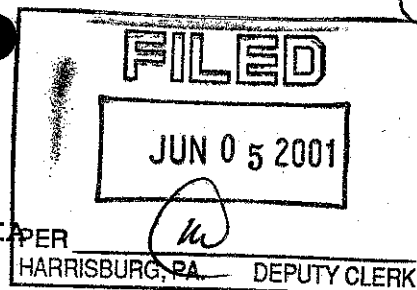


19

MCC:AKF:all/2001V00334

ORIGINAL



UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JUKEN WASHINGTON GORDON,
Plaintiff

v.

N. GONZALEZ, et al.,
Defendants

:
:
: Civil No. 1:CV-01-0331

:
: (Judge Rambo)

:
:

DEFENDANTS' MOTION TO DISMISS OR,
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

Defendants, by and through undersigned legal counsel, move this Court to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b) or, in the alternative, to grant summary judgment in their favor pursuant to Fed. R. Civ. P. 56(b). A brief in support of this Motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that she has not sought the concurrence of plaintiff's attorney because plaintiff is a prisoner proceeding pro se. M.D. Pa. Local Rule 7.1.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney

A handwritten signature in cursive script, appearing to read "Anne K. Fiorenza".

ANNE K. FIORENZA
Assistant U.S. Attorney
ANITA L. LIGHTNER
Paralegal Specialist
228 Walnut Street, 2nd Floor
P.O. Box 11754
Harrisburg, PA 17108-1754
(717) 221-4482

Dated: June 5, 2001

MCC:AKF:all/2001V00334

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JUKEN WASHINGTON GORDON, :
Plaintiff :
 : Civil No. 1:CV-01-0331
v. :
 : (Judge Rambo)
N. GONZALEZ, et al., :
Defendants :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.


That this 5th day of June, 2001, she served a copy of the attached

DEFENDANTS' MOTION TO DISMISS OR,
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

ADDRESSEE:

Juken Washington Gordon
Reg. No. 05373-088
USP Allenwood
P.O. Box 3000
White Deer, PA 17887


ANITA L. LIGHTNER
Paralegal Specialist